

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION

3           AMEREN ILLINOIS COMPANY                               )  
4           d/b/a Ameren Illinois                                )  
5   )  
6           Verified petition for approval of                    )  
7           multi-year performance metrics                       )  
8           pursuant to Section 16-108.5(f)                       )  
9           and (f-5) of the Public Utilities                     )  
10           Act.    )

11                               Monday, April 9, 2012

12                               Springfield, Illinois

13                               Met, pursuant to notice, at 11:00 a.m.

14                               BEFORE:

15                               MR. JOHN ALBERS, Administrative Law Judge  
16                               MR. J. STEPHEN YODER, Administrative Law Judge

17                               APPEARANCES:

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                              (Appearing on behalf of Ameren  
                              Illinois Company d/b/a Ameren  
                              Illinois)

                              SULLIVAN REPORTING CO., by  
                              Carla J. Boehl, Reporter  
                              CSR #084-002710

1       APPEARANCES:   (Continued)

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16                               Citizens Utility Board)

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24                               behalf of staff witnesses of the  
25                               Illinois Commerce Commission)

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27          Office of General Counsel  
28          527 East Capitol  
29          Springfield, Illinois 62701

30                               (Appearing on behalf of staff  
31                               witnesses of the Illinois  
32                               Commerce Commission)



1	<u>I N D E X</u>		
2	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>
3	MICHAEL ABBA		
4	By Mr. Kennedy	16	
5	JACQUELINE K. VOILES		
	By Mr. Kennedy	20	
6	By Ms. Munsch		24
7	JOHN V. STUTSMAN		
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9	CHRISTOPHER C. THOMAS		
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1 witnesses of the Illinois Commerce Commission, Jim  
2 Olivero, Mike Lannon and Nicole Luckey who are in the  
3 Chicago office.

4 MS. LUSSON: On behalf of the People of the  
5 State of Illinois, Karen Lusson, L-U-S-S-O-N, 100  
6 West Randolph, 11th Floor, Chicago, Illinois 60601.

7 MS. MUNSCH: On behalf of the Citizens Utility  
8 Board, Kristin Munsch, M-U-N-S-C-H, and Christie  
9 Hicks, 309 West Washington, Suite 800, Chicago,  
10 Illinois 60606.

11 JUDGE ALBERS: Thank you. Let the record  
12 reflect that there are no others wishing to enter an  
13 appearance.

14 Any preliminary matters today? We  
15 discussed the order of witnesses before going on the  
16 record.

17 (No response.)

18 If there is nothing then, we will go  
19 ahead and get started. Mr. Kennedy or Mr. Fitzhenry?

20 MR. KENNEDY: Yes, the Company would like to  
21 call Mr. Michael Abba.

22 JUDGE ALBERS: I will go ahead and swear

1 everybody who is in the room here.

2 (Whereupon the witnesses were  
3 duly sworn by Judge Albers.)

4 MICHAEL ABBA

5 called as a witness on behalf of Ameren Illinois  
6 Company, having been first duly sworn, was examined  
7 and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. KENNEDY:

10 Q. Mr. Abba, can you state your name and  
11 business address for the record.

12 A. My name is Michael Abba. My business  
13 address is 1800 West Main Street in Marion, Illinois  
14 62959.

15 Q. And who are you employed by?

16 A. Ameren Illinois Company.

17 Q. And what's your current position?

18 A. I am currently Manager of our Smart Grid  
19 Integration and System Improvement.

20 Q. Mr. Abba, for today's proceeding have you  
21 prepared certain testimony to be submitted into the  
22 record?

1           A.    Yes, sir.

2           Q.    I would like to direct your attention to  
3    what's been previously marked Ameren Exhibit 1.0 with  
4    attachment Ameren Exhibit 1.1.  This is the direct  
5    testimony of Michael S. Abba with exhibit to the  
6    direct testimony of Michael S. Abba.  Do you  
7    recognize those documents?

8           A.    Yes, sir.

9           Q.    Was this prepared by you or prepared under  
10   your supervision?

11          A.    Yes, sir.

12          Q.    Do you have any corrections you would like  
13   to make to that testimony today?

14          A.    No, sir.

15          Q.    I would also like to direct your attention  
16   to what's been previously marked Ameren Exhibit 4.0,  
17   rebuttal testimony of Michael S. Abba, with  
18   attachments Ameren Exhibit 4.1, Ameren Exhibit 4.2.  
19   Do you have that testimony in front of you as well,  
20   Mr. Abba?

21          A.    Yes, sir.

22          Q.    And this is your rebuttal testimony?



1           A.    Yes, sir.

2           Q.    And was this prepared by you or prepared  
3 under your direction?

4           A.    Yes, it was.

5           Q.    And do you have any corrections to that  
6 testimony today?

7           A.    No, sir.

8           Q.    If I were to ask you the same questions for  
9 both your direct and rebuttal testimony that are in  
10 there today, would you have the same answers?

11          A.    Yes, I would.  Of course, the rebuttal  
12 testimony does change the answers that are in the  
13 original testimony, so.

14          MR. KENNEDY:  Correct.  With that, I would like  
15 to offer Mr. Abba for cross examination if anyone has  
16 any questions.

17          MR. OLIVERO:  Actually, I just wanted to make  
18 sure, is your mic on?  Because I remember Ms. Rolando  
19 told me.  Is the green light on?

20          THE WITNESS:  It is on.  Yes, sir.

21          MR. OLIVERO:  Thank you.

22          MR. KENNEDY:  Any other questions besides that?

1           MR. OLIVERO:  She directed me to do that.

2           JUDGE ALBERS:  No one?

3                               (No response.)

4                               Okay.  Any objection then to

5  Mr. Abba's four exhibits?

6           MR. KENNEDY:  I would like to move for the

7  admission of those exhibits and testimony.

8           JUDGE ALBERS:  Hearing no objection, then

9  Ameren Exhibit 1.0, 1.1, 4.0, 4.1 and 4.2 are

10 admitted.

11                               (Whereupon Ameren Exhibits

12                               Numbers 1.0, 1.1, 4.0, 4.1 and

13                               4.2 were admitted into

14                               evidence.)

15           JUDGE ALBERS:  Thank you, sir.

16                               (Witness excused.)

17           MR. KENNEDY:  The Company would also then like

18  to call its next witness, Ms. Jacqueline Voiles.

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1 JACQUELINE K. VOILES

2 called as a witness on behalf of Ameren Illinois  
3 Company, having been first duly sworn, was examined  
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. KENNEDY:

7 Q. Ms. Voiles, could you please state your  
8 name and address for the record, please.

9 A. Jacqueline K. Voiles, V as in Victor,  
10 O-I-L-E-S, 200 West Washington Street, Springfield,  
11 Illinois 62701.

12 Q. And who is your current employer,  
13 Ms. Voiles?

14 A. Ameren Illinois Company.

15 Q. And what is your current position?

16 A. Director of Regulatory Affairs.

17 Q. For today's proceeding have you prepared  
18 testimony to be submitted?

19 A. Yes, I have.

20 Q. I would like to direct your attention to  
21 what's been previously marked Ameren Exhibit 2.0, the  
22 direct testimony of Jacqueline K. Voiles, with Ameren

1 Exhibit 2.1. Do you have that testimony in front of  
2 you?

3 A. Yes, I do.

4 Q. Is this your direct testimony?

5 A. Yes, it is.

6 Q. Was this prepared by you or prepared under  
7 your direction?

8 A. Yes.

9 Q. Do you have any corrections you would like  
10 to make to that testimony today?

11 A. As stated in my rebuttal testimony, my  
12 direct testimony, line 43, the direct testimony says  
13 12 bases points during year three through six and it  
14 should say 12 bases points during years four through  
15 six.

16 Q. And as you mentioned, that correction was  
17 noted in your rebuttal testimony, is that correct?

18 A. That's correct.

19 Q. I would like to also show you what has been  
20 previously marked Ameren Exhibit 5.0, the rebuttal  
21 testimony of Jacqueline K. Voiles, with Ameren  
22 Exhibit 5.1. Do you have that testimony in front of

1       you?

2               A.    Yes, I do.

3               Q.    And is this your rebuttal testimony?

4               A.    Yes, it is.

5               Q.    And was this prepared by you or prepared

6       under your direction?

7               A.    Yes.

8               Q.    And do you have any corrections today for

9       that testimony, Ms. Voiles?

10              A.    Yes, I do, one correction and this is with

11       regard to Ameren Exhibit 5.1.  This is Ill CC Number

12       1, Original Sheet Number 19.2, and at the bottom of

13       that particular sheet it now reads "percentage EBB

14       equals" and it should be "percent EEB."

15              Q.    What page in the tariff was that in,

16       Ms. Voiles?

17              A.    Original Sheet Number 19.2.

18              Q.    Thank you.  If I were to ask you the same

19       questions today that are posed in your direct and

20       rebuttal testimony, would you have the same answers?

21              A.    Yes, I would.

22              MR. KENNEDY:  Thank you.  I would like to

1 tender Ms. Voiles for examination.

2 JUDGE ALBERS: Ms. Voiles, could you go over  
3 that correction again, please?

4 THE WITNESS: Yes. This is Ameren Exhibit 5.1  
5 and it is Original Sheet Number 19.2.

6 MR. FITZHENRY: Is it the second page or third,  
7 second or third page of the tariff?

8 THE WITNESS: It's the third page of the  
9 tariff.

10 MR. FITZHENRY: And it is at the bottom?

11 THE WITNESS: It is at the bottom. And the  
12 correction was, at the bottom of the page, it now  
13 says "percent EBB equals" and it should say "percent  
14 EEB equals."

15 JUDGE ALBERS: Oh, okay. I just didn't catch  
16 what you said. Thank you.

17 MR. KENNEDY: And the Company will make that  
18 correction when it files its revised version,  
19 correct?

20 THE WITNESS: Yes, we will.

21 JUDGE ALBERS: Thank you. Any questions for  
22 Ms. Voiles?

1 MS. MUNSCH: Thank you.

2 CROSS EXAMINATION

3 BY MS. MUNSCH:

4 Q. Good afternoon, Ms. Voiles. My name is  
5 Kristin Munsch. I am appearing on behalf of the  
6 Citizens Utility Board, and actually I only have one,  
7 maybe two, questions for you just to clarify  
8 something.

9 If you turn to Exhibit 2.0 at page 6?

10 A. Okay.

11 Q. And you see in the top line there, 101, you  
12 state that in the event that Section 16-108.5 becomes  
13 inoperative or Rate MAP-P is terminated. MAP-P  
14 refers to the Modernization Action Plan Pricing, is  
15 that correct, tariff?

16 A. That's correct.

17 Q. And the pricing tariff is the formula rate  
18 tariff?

19 A. That's correct.

20 MS. MUNSCH: That's all I have. Thank you.

21 JUDGE ALBERS: Anyone else?

22 MR. COFFMAN; Your Honor, neither AG nor AARP

1     have any cross examination. We do have a data  
2     request that we have reached agreement on. I don't  
3     know if this would be the appropriate time or after  
4     this, but it is a data request prepared by  
5     Ms. Voiles.

6             JUDGE ALBERS: Yes, go ahead.

7             MR. COFFMAN: So I would like to offer AG/AARP  
8     Cross Exhibit Number 1 which is AG Data Request 1.01,  
9     and I will pass out copies of that.

10                     (Whereupon AG/AARP Cross Exhibit  
11                     Number 1 was marked for purposes  
12                     of identification as of this  
13                     date.)

14             MR. COFFMAN: I would like to offer AG/AARP  
15     Cross Exhibit 1 into the record.

16             JUDGE ALBERS: Is there any objection?

17             MR. FITZHENRY: No objection.

18             JUDGE ALBERS: Hearing no objection, then  
19     AG/AARP Cross Exhibit Number 1 is admitted.

20                     (Whereupon AG/AARP Cross Exhibit  
21                     Number 1 was admitted into  
22                     evidence.)



1           MR. KENNEDY: I would also like to move for the  
2 admission of Ms. Voiles' testimony.

3           JUDGE ALBERS: All right. And there is no  
4 further questions for Ms. Voiles then?

5                               (No response.)

6                               Any objections then to the admission  
7 of her testimony?

8                               (No response.)

9                               Hearing none, then Ameren Exhibit 2.0,  
10 2.1, 5.0 and 5.1 are admitted.

11                               (Whereupon Ameren Exhibits  
12 Numbers 2.0, 2.1, 5.0 and 5.1  
13 were admitted into evidence.).

14           JUDGE ALBERS: Thank you, Ms. Voiles.

15                               (Witness excused.)

16           MR. KENNEDY: We had one other housekeeping  
17 matter for our direct testimony. We had a third  
18 exhibit which is Ameren Exhibit 3.0. We will be  
19 filing that by affidavit later today or tomorrow. We  
20 would just like to move for permission to do that.

21           JUDGE ALBERS: Certainly. Any objection to  
22 that request?

1 (No response.)

2 Hearing none --

3 MR. KENNEDY: For clarity, it is Ameren Exhibit  
4 3.0 which is the direct testimony of James P.  
5 Keating, with Ameren Exhibit 3.1 which would be the  
6 affidavit of James P. Keating, and we also have  
7 certificates, too; I will give you one.

8 JUDGE ALBERS: Given that everyone has seen  
9 this testimony and assuming that the affidavit is  
10 going to be just a standard affidavit, is there any  
11 objection to just admitting those now and the  
12 affidavit will be filed today or tomorrow?

13 MR. KENNEDY: Yeah, today or tomorrow, Your  
14 Honor.

15 JUDGE ALBERS: Hearing no objection, then  
16 Ameren Exhibits 3.0 and 3.1 are admitted.

17 (Whereupon Ameren Exhibit  
18 Numbers 3.0 and 3.1 were  
19 admitted into evidence.)

20 JUDGE ALBERS: All right. Anything further for  
21 Ameren's case?

22 MR. FITZHENRY: Yes, Your Honor. By agreement

1 of the People of the State of Illinois and AARP, we  
2 move for the admission of AIC Cross Alexander Exhibit  
3 Number 1. It is two pages, two different data  
4 requests responses, that are dated April 5, 2012. A  
5 copy of the cross examination exhibit was provided to  
6 you and the court reporter and to the parties.

7 (Whereupon AIC Cross Alexander  
8 Exhibit Number 1 was marked for  
9 purposes of identification as of  
10 this date.)

11 MR. COFFMAN: And we have no objection.

12 JUDGE ALBERS: Okay. Hearing no objection --

13 JUDGE YODER: Off the record.

14 (Whereupon there was then had an  
15 off-the-record discussion.)

16 JUDGE ALBERS: Back on the record then.

17 If there is no objection to the  
18 admission of this cross exhibit, then AIC Cross  
19 Alexander Exhibit Number 1 is admitted.

20 (Whereupon AIC Cross Alexander  
21 Exhibit Number 1 was admitted  
22 into evidence.)

1 JUDGE ALBERS: Anything further?

2 MR. FITZHENRY: Nothing further.

3 MR. COFFMAN: If you think this would be the  
4 appropriate time, I could offer Ms. Alexander's  
5 testimony into the record as well.

6 JUDGE ALBERS: Yeah. I mean, if nobody minds,  
7 go ahead.

8 MR. COFFMAN: Okay. I would like to offer  
9 AG/AARP Exhibit 1.0 and AG/AARP Exhibit 1.1 which is  
10 the direct testimony of Barbara R. Alexander and her  
11 attachment to her testimony. The affidavit  
12 associated with her testimony has already been filed  
13 on e-Docket. I would like to offer all of those in  
14 the record.

15 JUDGE ALBERS: And then --

16 MR. COFFMAN: I have a copy if you would like  
17 to see it.

18 JUDGE ALBERS: I was just going to suggest, why  
19 don't we -- did you give an exhibit number to her  
20 affidavit? Because that was filed later, is that  
21 correct?

22 MR. COFFMAN: I did not.

1 JUDGE ALBERS: 1.2 would be the next.

2 MR. COFFMAN: 1.2. I have copies if you would

3 like to see that.

4 JUDGE ALBERS: I think we have got the

5 affidavit.

6 Any objection then?

7 (No response.)

8 Hearing no objection, then AG/AARP

9 Exhibits 1.0, 1.1 and 1.2 are admitted.

10 (Whereupon AG/AARP Exhibits

11 Numbers 1.0, 1.1 and 1.2 were

12 admitted into evidence.)

13 JUDGE ALBERS: All right. Then I believe

14 Staff?

15 MR. OLIVERO: Yes, we would call John Stutsman

16 to the stand, Your Honor.

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JOHN V. STUTSMAN

called as a witness on behalf of Staff of the  
Illinois Commerce Commission, having been first duly  
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. OLIVERO:

Q. Good morning, Mr. Stutsman. Please state  
your full name and spell your last name for the  
record.

A. My name is John Vance Stutsman, that's  
S-T-U-T-S as in Sam M-A-N.

Q. And by whom are you employed?

A. I am employed by the Illinois Commerce  
Commission.

Q. And what is your position with the Illinois  
Commerce Commission?

A. I am Manager of the Reliability Assessment  
Program in the Safety and Reliability Division.

Q. And have you prepared written testimony for  
purposes of this proceeding?

A. Yes, I have.

Q. Do you have before you a document which has

1     been marked for identification as ICC Staff Exhibit  
2     1.0 entitled Direct Testimony of John V. Stutsman  
3     which consists of a cover page, a table of contents,  
4     18 pages of narrative testimony and Attachments A  
5     through I?

6             A.    Yes.

7             Q.    And are these true and correct copies of  
8     the direct testimony and attachments that you have  
9     prepared for this proceeding?

10            A.    Yes.

11            Q.    And do you have any corrections to make to  
12    your prepared direct testimony?

13            A.    No.

14            Q.    Is the information contained in ICC Staff  
15    Exhibit 1.0 and the accompanying attachment true and  
16    correct to the best of your knowledge?

17            A.    Yes.

18            Q.    And if you were asked the same questions  
19    today, Mr. Stutsman, would the answers contained in  
20    your prepared testimony be the same?

21            A.    Yes.

22            MR. OLIVERO:  Your Honor, at this time subject

1 to, I guess, cross and any questions you may have, we  
2 would ask for admission into the evidence of  
3 Mr. Stutsman's direct testimony, Exhibit 1.0,  
4 including attachments, and note for the record that  
5 these were filed on the Commission's e-Docket system  
6 on March 19, 2012.

7 I would tender Mr. Stutsman for cross  
8 examination.

9 JUDGE ALBERS: Thank you. Any questions then  
10 for Mr. Stutsman?

11 MR. KENNEDY: Yes, the Company does have a  
12 couple questions to ask.

13 CROSS EXAMINATION

14 BY MR. KENNEDY:

15 Q. Good morning, Mr. Stutsman.

16 A. Good morning.

17 Q. Your responsibility in this docket was to  
18 assess Ameren's proposed reliability-related metrics,  
19 correct?

20 A. Correct.

21 Q. And specifically you looked at the  
22 baselines for System Average Interruption Frequency



1     Index or SAIFI and Customer Average Interruption  
2     Duration Index, CAIDI, correct?

3           A.    That was two of the three things I looked  
4     at, correct.

5           Q.    These are the two -- these are two of the  
6     metric baselines that the Company were required to  
7     develop and file with the Commission pursuant to  
8     Section 16-108.5(f), correct?

9           A.    Correct.

10          Q.    You have a copy of your direct testimony in  
11     front of you?

12          A.    Yes, I do.

13          Q.    Could I ask you to look at page 17 with the  
14     Q and A starting at line 222?

15          A.    Okay.

16          Q.    In your direct testimony you recommended  
17     that Ameren recalculate its metrics baselines for  
18     SAIFI and CAIDI, correct?

19          A.    Correct.

20          Q.    In your opinion you didn't believe that the  
21     baseline values for SAIFI and CAIDI that were  
22     initially presented in the plan on direct were proper

1 or were correct?

2 A. Pardon?

3 Q. You didn't believe that the baseline values  
4 that were presented in the initial plan as filed were  
5 proper?

6 A. That's correct. I believe they were done  
7 incorrectly.

8 Q. You didn't believe -- and done incorrectly  
9 meaning that you didn't believe that the methodology  
10 that Ameren used initially to calculate them is the  
11 proper methodology?

12 A. That's correct.

13 Q. If I could direct you to look at starting  
14 at page 17 starting at line 218, that answer, you  
15 state there that the best solution would be for  
16 Ameren to use best efforts by the time they file  
17 their rebuttal testimony to identify in their OAS  
18 those averages that should be excluded per Part  
19 411.20 and recalculate their baseline SAIFI and CAIDI  
20 values, correct?

21 A. That is correct.

22 Q. And as you understand it, the OAS data that

1     you are referring to here is the raw average data  
2     that Ameren had collected?

3             A.     The OAS's data was the raw data that they  
4     had collected and aggregated and had sent to me, yes.

5             Q.     If I could have you look earlier on page 17  
6     starting at line 209, starting with the sentence  
7     "But...", you state there that the average OAS exists  
8     and it should be possible to identify at least some  
9     of the outages, those outages, that should be  
10    included in reliability calculations?

11            A.     That's what I said, correct.

12            Q.     Now, you reviewed -- did you review  
13    Ameren's rebuttal testimony filed on April 3?

14            A.     Some of it, yes.

15            Q.     Did you review specifically the rebuttal  
16    testimony of Mr. Michael Abba and his Exhibit 4.1?

17            A.     Correct.

18            Q.     And Ameren recalculated its metrics  
19    baseline for SAIFI and CAIDI on rebuttal as you  
20    recommended?

21            A.     Yes, they did.

22            Q.     And did you review the revised baseline

1 values for SAIFI and CAIDI that Ameren incorporated  
2 into Ameren Exhibit 4.1 as part of your preparation  
3 for this proceeding?

4 A. Yes, I did.

5 MR. KENNEDY: I would like to approach the  
6 witness, Your Honor.

7 JUDGE ALBERS: Go ahead.

8 BY MR. KENNEDY:

9 Q. I am showing you what's been marked AIC  
10 Cross Exhibit Stutsman 1.

11 (Whereupon AIC Cross Stutsman  
12 Exhibit Number 1 was marked for  
13 purposes of identification as of  
14 this date.)

15 Would you take a moment to look at that,  
16 Mr. Stutsman?

17 A. Okay.

18 Q. Is this a data response that you submitted  
19 in this proceeding?

20 A. Correct.

21 Q. Could you read the question and answer,  
22 please?

1           A.    "Does Staff witness Mr. Stutsman agree with  
2   Mr. Abba's calculations for the SAIFI and CAIDI  
3   metrics presented in Ameren Exhibit 4.1?"   And the  
4   Staff response is "Yes."

5           Q.    Thank you.   Do you have a copy of  
6   Mr. Abba's rebuttal testimony in front of you, Ameren  
7   Exhibit 4.0?   If not, I have a copy.

8           A.    I can get to it.   4 or 4.1?

9           Q.    4.0.

10          A.    Okay.

11          Q.    Could I direct your attention to line 70?  
12   Line 70, would you please read line 70 to 75 into the  
13   record?

14          A.    Mr. Abba asked himself, "Has Ameren  
15   Illinois revised its metric baselines for SAIFI and  
16   CAIDI on rebuttal in response to Mr. Stutsman's  
17   concern?"   And his answer was, "Yes.   In response to  
18   Mr. Stutsman's concerns and relying on refined outage  
19   data provided in the Company's supplemental response  
20   to Staff Data Request NET 3.01 dated March 23, Ameren  
21   Illinois recalculated its metric baselines for SAIFI  
22   and CAIDI exclusively using available outage data

1     without interruptions that should be excluded under  
2     Part 411.20."

3             Q.    And thank you.  As part of your review for  
4     this proceeding or during this proceeding did you  
5     review the refined average data, as Mr. Abba calls  
6     it, that was submitted in supplemental response to  
7     NET 3.01?

8             A.    Yes.

9             Q.    And if you look, if I could direct your  
10    attention to lines 113 and 121 of Mr. Abba's  
11    rebuttal, does Ameren explain in this Q and A which  
12    outages it believes should be excluded under Part  
13    411.20?

14            A.    He explained three types of outages that  
15    should be excluded.

16            Q.    And in your opinion do you believe those  
17    are the types of outages that Ameren should be  
18    excluding when it calculates its metric?

19            A.    Well, those are three of the types in Part  
20    411.20, yes.

21            Q.    The methodology Ameren used on rebuttal to  
22    calculate its baseline values for SAIFI and CAIDI is

1 consist with what you recommended the Company do on  
2 rebuttal?

3 A. That's correct.

4 Q. Namely, to recalculate its baselines using  
5 the OAS data minus any outages that should be  
6 excluded under Part 411.20, correct?

7 A. What was that again?

8 Q. What you recommended they do is take the  
9 OAS data and exclude outages that should be excluded  
10 under the definition?

11 A. I had recommended that they take the OAS  
12 data and use their best efforts to exclude the  
13 outages that the Act told them that they could  
14 exclude per the definitions in Part 411.20, and  
15 that's what they did.

16 Q. And you were satisfied with what they did?

17 A. I was satisfied with what they did.

18 Q. Do you have Ameren Exhibit 4.1 in front of  
19 you?

20 A. Yes, I do.

21 Q. If you take -- if I could direct you to  
22 page 5 and page 7, do you see that the two charts on

1 pages 5 and 7 that show baseline and yearly goals for  
2 SAIFI on page 5 of 23 and CAIDI baseline and yearly  
3 goals on page 7 of 23?

4 A. Correct.

5 Q. These are the incremental performance goals  
6 for each year of the ten-year period for SAIFI and  
7 CAIDI, correct?

8 A. That is correct.

9 Q. And is it your understanding that Ameren is  
10 required to file a report with the Commission each  
11 year subsequent, that includes a description of how  
12 it performed under the SAIFI and CAIDI metrics?

13 A. Relative to those annual goals, correct.

14 Q. And the methodology Ameren used to  
15 recalculate the -- the methodology that Ameren used  
16 on rebuttal to recalculate its SAIFI and CAIDI  
17 baseline values, would that be the appropriate  
18 methodology to use on recalculating the achievement,  
19 when calculating the achievement of incremental  
20 performance goals?

21 A. The methodology consistent with the  
22 requirements of the Act is the appropriate



1 methodology. What they did to get to these baseline  
2 objectives I think was appropriate for this hearing  
3 now.

4                   If what you are leading into -- and  
5 maybe I am reading too much into which direction you  
6 are going -- is a blanket acquiescence to using  
7 precisely the same methodology for everything going  
8 into the future, I am concerned about telling them or  
9 telling somebody that you could use that methodology  
10 like in with excluding extreme weather event days.  
11 In their methodology, the way they calculated it, was  
12 based if you look at the interruptions on a daily  
13 basis, order those from highest to lowest and take  
14 off the top nine or top eight.

15                   And actually, while that's appropriate  
16 I think for this setting the baseline, I think going  
17 into the future when you look at the Act, it talks  
18 about extreme weather event days are associated with  
19 storms. And I would think going into the future you  
20 would want to make sure you have that association.

21           Q. But let me circle back to what we  
22 previously talked about. The methodology that Ameren

1     used on rebuttal is the methodology that you  
2     recommended that they use?

3             A.    That is correct.

4             Q.    And the methodology that they use to  
5     calculate the baseline that you think is appropriate  
6     for purposes of this proceeding?

7             A.    That is correct.

8             Q.    But your testimony today is that that  
9     methodology is not appropriate or you are not willing  
10    to say it is appropriate for calculating incremental  
11    performance under those metrics in future years?

12            MR. OLIVERO:  Your Honor, I guess I am going to  
13    object.  I don't think he said that it was  
14    inappropriate.  I think he gave the explanation as to  
15    why he thought going forward in the future there  
16    could be distinguishing elements from what we have  
17    had in the past.

18            BY MR. KENNEDY:  Let me restate the question  
19    then.

20            Q.    Is it your testimony today that the  
21    methodology that you say is acceptable for  
22    determining the initial baseline is not appropriate

1     for determining incremental performance under those  
2     baselines in the future?

3             A.    I was trying to draw a distinction, but I  
4     wasn't saying what you are asking.  What I was saying  
5     was I don't think it is appropriate for the  
6     Commission to have to tell Ameren to calculate it the  
7     correct way going into the future.

8                   The methodology that they use for this  
9     docket is, I believe, correct methodology for  
10    establishing the baseline.  Going into the future  
11    like calculating extreme weather event days, the Act  
12    says that you look at storms and/or severe weather,  
13    for instance.  And so instead of just blindly in the  
14    future calculating what days are the highest number  
15    of interruptions and then subtracting those top nine  
16    days, you would want to also be sure that those are  
17    tied to storms that have occurred.

18            Q.    Is it fair to say then that your cautionary  
19    testimony is specific then to how the nine extreme  
20    weather days are calculated in subsequent filings?

21            A.    It would be a concern to why -- when I saw  
22    in Mr. Abba's testimony his direction for the

1 Commission to tell Ameren to use the precise same  
2 methodology going into the future, and whenever  
3 somebody asks me to tell them to do what I think they  
4 should already know should be the right way to do  
5 things, I try to figure out, well, why is that. And  
6 the only thing I could think of was a possibility of  
7 the variance in calculating extreme weather event  
8 days.

9                   For instance, you wouldn't want  
10 something like a bulk power outage to be associated  
11 with -- that might cause an outage across a large  
12 segment of the population, to be associated with an  
13 extreme weather event day.

14           Q. But putting aside the issue of how to  
15 calculate it and what to determine is an extreme  
16 weather day, if you look at the other, what I will  
17 call the other part of the calculation, which is  
18 determining --

19           A. Looking at the raw outage data.

20           Q. Looking at the raw outage data. And what  
21 Ameren did for purposes of this proceeding, as I  
22 understand it, is take that raw outage data and

1     exclude the interruptions that should be excluded  
2     under 411.20?

3             A.     Correct.

4             Q.     To determine the initial baseline from  
5     which then to exclude the extreme weather days?

6             A.     Correct.

7             Q.     Do you have issues with the Commission  
8     approving the first part of that calculation as the  
9     correct way to do it going forward?   The correct  
10    part, that part being taking the raw outage data and  
11    excluding outages that should be excluded under 411.  
12    20?

13            A.     No, I think that would be doing exactly  
14    what the Act tells you to do.

15            Q.     So would you have an issue or would you  
16    object to the Commission having language in its Order  
17    stating that Ameren -- that it would be appropriate  
18    for Ameren to calculate the initial baseline for  
19    SAIFI and CAIDI in that way, taking apart, putting  
20    aside the issue of the extreme -- how to determine  
21    what's an extreme weather day?

22            A.     My objection would be that it is redundant.

1 I mean, why should you tell somebody to do something  
2 to do it the right way?

3 Q. But you personally wouldn't have an  
4 objection to Ameren doing it that way in subsequent  
5 filings, correct?

6 A. No, I would expect them to do it that way.

7 Q. I just have one other question. How do you  
8 think that the Commission would determine what's an  
9 extreme weather day in subsequent filings, since you  
10 have given this some thought?

11 A. Recordable extreme weather event days are  
12 listed in Part 411. I can't recall the exact trigger  
13 points on extreme weather event days, but then the  
14 Act also associates those days with storms or  
15 tornados, for instance. If you want to read the  
16 language of the Act, I think those are the two words  
17 that it uses. But those were presented as examples.

18 Q. So you would look at the Act and perhaps  
19 the Part 411 regulations in doing your review to  
20 determine whether or not something is an  
21 appropriately excludable extreme weather day?

22 A. That's where I would have to look.

1           MR. KENNEDY:  Nothing further, Your Honor.

2           JUDGE ALBERS:  Thank you.  Any other questions

3           for Mr. Stutsman?

4                               (No response.)

5           I might have had one question that was

6           answered.  Do you have any redirect?

7           MR. OLIVERO:  Can I just have a moment?

8           JUDGE ALBERS:  Sure.

9                               (Whereupon the hearing was in a

10                              short recess.)

11          JUDGE ALBERS:  Back on the record.

12          MR. OLIVERO:  Thank you.  No redirect, Your

13          Honor.

14          JUDGE ALBERS:  Thank you.  Any objection -- I

15          guess, first, you would want to move for that cross

16          exhibit?

17          MR. KENNEDY:  Yes.  We move for the admission

18          of AIC Cross Exhibit Stutsman 1.

19          JUDGE ALBERS:  Any objection?

20          MR. OLIVERO:  No, Your Honor.

21          JUDGE ALBERS:  Hearing none, then that cross

22          exhibits is admitted.

1 (Whereupon AIC Cross Stutsman  
2 Exhibit 1 was admitted into  
3 evidence.)

4 JUDGE ALBERS: Any objection then to Staff  
5 Exhibit 1 with Attachments A through I?

6 MR. KENNEDY: No objection, Your Honor.

7 JUDGE ALBERS: Hearing no objection, then Staff  
8 Exhibit 1 with Attachments A through I are admitted.

9 (Whereupon ICC Staff Exhibit  
10 Number 1.0 with Attachments A  
11 through I was admitted into  
12 evidence.)

13 JUDGE ALBERS: Thank you, Mr. Stutsman.

14 (Witness excused.)

15 MR. KENNEDY: We had one other housekeeping  
16 matter. Per agreement with Staff counsel, we would  
17 like to move into the record AIC Cross Exhibit Jones  
18 1. This is in lieu of having to ask Ms. Jones any  
19 questions on the stand today.

20 (Whereupon AIC Cross Jones  
21 Exhibit Number 1 was marked for  
22 purposes of identification as of





1 Commission's e-Docket system.

2 That's all Staff would have.

3 JUDGE ALBERS: Any objection?

4 MR. KENNEDY: No objection, Your Honor.

5 JUDGE ALBERS: Hearing none, then Staff Exhibit

6 2.0 with Attachments A through C as in Charlie, and

7 2.1 are admitted.

8 (Whereupon ICC Staff Exhibit

9 Numbers 2.0 and 2.1 were

10 admitted into evidence.)

11 JUDGE ALBERS: Anything else from Staff.

12 MR. OLIVERO: Nothing, Your Honor, thank you.

13 JUDGE ALBERS: I think our last witness then is

14 Mr. Thomas.

15 CHRISTOPHER C. THOMAS

16 called as a witness on behalf of the Citizens Utility

17 Board, having been first duly sworn, was examined and

18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. MUNSCH:

21 Q. Good afternoon. Could you please state

22 your name and give us your business address for the

1 record.

2 A. Yes. My name is Christopher C. Thomas and  
3 my address is 309 West Washington, Suite 800,  
4 Chicago, Illinois 60606.

5 Q. And who are you testifying here today for?

6 A. On behalf of the Citizens Utility Board.

7 Q. Do you have before you what has been marked  
8 as CUB Exhibit 1.0, direct testimony of Christopher  
9 C. Thomas on behalf of the Citizens Utility Board?

10 A. I do.

11 Q. Was this prepared by you or under your  
12 direction, direct supervision and control?

13 A. It was.

14 Q. If you were asked the same questions today,  
15 would you provide the same answers?

16 A. I would.

17 Q. Do you have any corrections to make at this  
18 time to 1.0?

19 A. One change to my actually present  
20 occupation. I am no longer the Policy Director at  
21 CUB. I am an independent consultant working on CUB's  
22 behalf.

1           MS. MUNSCH: Your Honor, his testimony was  
2       prefiled on the Commission e-Docket on March 19,  
3       2012. I move that we would make Mr. Thomas available  
4       for cross.

5           MR. FITZHENRY: Yes, Your Honor, the Company  
6       has some questions for Mr. Thomas.

7                               CROSS EXAMINATION

8           BY MR. FITZHENRY:

9           Q. Good morning, Mr. Thomas.

10          A. Good morning.

11          Q. Your testimony was filed on March 19, is  
12       that correct?

13          A. Yeah, I believe that's correct.

14          Q. Okay. What documents did you review in  
15       preparation of your testimony?

16          A. Ameren's petition, the prefiled testimony  
17       exhibits and the Act. Also, we referenced some  
18       California materials as well.

19          Q. And in preparation for your hearing today  
20       did you review any other documents beyond those that  
21       you just mentioned?

22          A. I looked at Ameren's rebuttal, the Staff

1 witnesses' testimony as well, and the 11-0772 Final  
2 Order.

3 Q. That would the Commonwealth Edison Company  
4 metrics plan Order?

5 A. Yes. I just briefly had a chance to review  
6 that. I brief it in any detail. I did look at it  
7 briefly.

8 Q. So I take it you have not reviewed the  
9 Company's Infrastructure Improvement Plan that was  
10 submitted to the Commission on March 2?

11 A. You know, I have taken a look at it. I  
12 haven't gotten into it in any significant detail.

13 Q. Well, either you looked at it or you didn't  
14 look at it.

15 A. I did look at it.

16 Q. Okay. Then I take it from your prior  
17 answer you have not looked at the Company's Advanced  
18 Metering Infrastructure filing that was filed on  
19 March 30?

20 A. I have looked at that as well.

21 Q. Okay. Did you look at those filings in  
22 preparation for either your testimony or your hearing

1     this morning?

2             A.     Certainly.

3             Q.     Well, you didn't --

4             A.     You are right; you are right.  I misstated  
5     that.  I did look at those documents in preparation  
6     for this hearing since I see these things always  
7     working in unison.

8             Q.     Okay.  Fair enough.  So the correct answer  
9     is you did look at both of those filings?

10            A.     I did, yes.

11            MS. MUNSCH:  A point of clarification, I think  
12     the question was asked in preparation for your  
13     testimony here today.  Just to be clear I think the  
14     witness answered for the hearing today, and given the  
15     March 30 filing he could not have looked at it in  
16     preparation for his testimony.

17            MR. FITZHENRY:  Well, I think the witness  
18     answered the question that he did look at the  
19     Advanced Meeting Infrastructure Plan.  Whether it was  
20     in preparation for the hearing or not is sort of  
21     irrelevant.  Either he has looked at it or he has  
22     not.  I don't understand the objection.

1 MS. MUNSCH: As long as the record is clear.

2 MR. FITZHENRY: I am sorry?

3 MS. MUNSCH: I said as long as the record is

4 clear.

5 BY MR. FITZHENRY:

6 Q. All right. We are going to do this one

7 more time.

8 Did you look at the Company's Advanced

9 Metering Infrastructure Plan that was filed on March

10 30?

11 A. Yes.

12 Q. Did you look at that document in

13 preparation for the hearing today?

14 A. Yes.

15 Q. Thank you.

16 Now, you referenced the ComEd docket

17 which I believe is Docket Number 11-0772, correct?

18 A. Yes.

19 Q. And is it correct that you filed

20 substantially the same testimony in that proceeding

21 as you did here?

22 A. Yes.

1           Q.   For example, in the ComEd proceeding you  
2   made certain recommendations, correct?

3           A.   Yes.

4           Q.   And it is correct those are the same  
5   recommendations that you are making in this  
6   proceeding?

7           A.   Yes.

8           Q.   And in the ComEd testimony that you filed,  
9   you also referenced additional metrics that should be  
10   considered by the Company, correct?

11          A.   Yes.

12          Q.   And those are the same additional metrics  
13   that you are recommending be considered by the  
14   Company in this proceeding?

15          A.   Yes.

16          Q.   And also in that ComEd testimony you  
17   articulated certain metrics that are being pursued in  
18   California?

19          A.   Yes.

20          Q.   And again those are the same metrics that  
21   you recommend be given consideration in this  
22   proceeding?



1           A.    Yeah, I believe they are exactly the same.

2           Q.    Okay. Now let's look at your testimony.

3    If you would look at page 3, lines 45 to 47, I will

4    let you look at that for a second.

5           A.    Okay.

6           Q.    Is the opinion there that you offer, is

7    that your opinion or the opinion of counsels?

8           A.    That's my opinion.

9           Q.    You don't dispute that the Commission has

10   in the past reviewed the Company's or any utility's

11   reliability as determined by, say, Part 411?

12          A.    No, I do not dispute that.

13          Q.    You do not see what?

14          A.    I don't dispute that, yeah.

15          Q.    Would you agree, since you expressed some

16   familiarity with the Public Utility Act, that there

17   are provisions in the Act that also address the

18   Commission's oversight with regard to the Company's

19   reliability?

20          A.    Could you state that one more time?

21          Q.    Do you have familiarity with the Public

22   Utilities Act such that you could agree or disagree

1     that the Commission has oversight with respect to a  
2     utility's reliability and performance?

3             A.    Their reliability and performance  
4     requirements, yes.

5             Q.    Okay.  Now let me ask to you turn to page 4  
6     and lines 48 through 50.

7             A.    Yes.

8             Q.    Now, first, again that's your opinion,  
9     correct?

10            A.    That is my opinion, correct.

11            Q.    Can you point me to what provision in  
12     Section 16-108.5 that offers the interpretation that  
13     you give it there?

14            A.    I can't.

15            Q.    And why is that?

16            A.    I don't think there is any specific  
17     provision that says that directly.  I think that's my  
18     interpretation of the Act as whole and the goals that  
19     the legislature is trying to achieve.

20            Q.    And then the next sentence, lines 50 to 53,  
21     the same question, can you point to some language in  
22     the Act that expresses that opinion?

1           A.    I think my answer is the same.

2           Q.    So what was the purpose of the citation  
3   that you offered there on line 53?

4           A.    I don't have the Act.  Do you have a copy  
5   of it?

6           Q.    I do.

7           MR. FITZHENRY:  May I approach?

8           MS. MUNSCH:  Certainly.

9           BY MR. FITZHENRY:

10          Q.    Here is the beginning of Section 16-108.5,  
11   and if you could just identify for me where in the  
12   Act is the language that you believe supports your  
13   testimony on lines 48 through 53.

14          MS. MUNSCH:  Just to be clear, I think you had  
15   asked him about the citation at the end which is  
16   16-108.5(b)(2)?

17          MR. FITZHENRY:  I understand that he could  
18   point to the citation.  I am going back to a  
19   different question.

20          THE WITNESS:  A.  I think I answered that  
21   question, that that was my interpretation of this Act  
22   as a whole.



1           A.    Yes.

2           Q.    Would you agree with me that, within those  
3   plan documents, that there is indeed a road map that  
4   explains the Company's investments over the next ten  
5   years?

6           A.    Generally, yes.

7           Q.    Okay.  Then I would like you to look at  
8   lines 57 to 59.  And then you use the words  
9   "framework provided by this legislation."  Just so I  
10   am clear, you mean the framework that is provided by  
11   the California legislation?

12          A.    Yes.

13          Q.    Now, still staying with page 4 in the Q and  
14   A that begins on line 61 through 62, there you talk  
15   about "enhanced customer experience" and you explain  
16   what that means in your opinion?

17          A.    Yes.

18          Q.    Are you aware -- or are you aware that in  
19   Section 16-108.5 there is also a description of  
20   "enhanced customer experience"?

21          A.    Yes.

22          Q.    Do you mean here that your testimony at

1 lines 62 to 68 to be different than what is stated  
2 forth in the Act?

3 A. That's my opinion of what an enhanced  
4 customer experience should be, Mr. Fitzhenry. That's  
5 all it is intended to be.

6 Q. And stated differently, here in your  
7 testimony at lines 62 to 68 you are not intending to  
8 offer your interpretation of what the General  
9 Assembly meant or didn't mean, correct?

10 A. It is my interpretation of I think how a  
11 utility should view its enhanced customer experience.

12 Q. I am going ask the question again, okay, so  
13 that we are clear.

14 A. Sure.

15 Q. My question is, at this point in your  
16 testimony you are not attempting to define or  
17 interpret what the General Assembly meant in its  
18 discussion of enhanced customer experience? I think  
19 the answer is no.

20 A. I am not a lawyer, so no.

21 Q. Well, you can still --

22 A. I can --

1 Q. Excuse me. Let me finish my question.

2 A. Sure.

3 Q. You could still offer an opinion as a

4 layperson as to what you think the statute means?

5 A. Sure.

6 Q. But you are not doing that here, correct?

7 A. Again, that's my perspective on what an

8 enhanced customer experience should be.

9 Q. So then you are not intending to offer an

10 explanation as to what you think the General Assembly

11 meant in its description of enhanced customer

12 experience? I know that's your opinion, but you are

13 not trying to offer an opinion about what you think

14 the General Assembly meant or intended, correct?

15 A. I don't know that that's correct. I think

16 I provided my opinion for what an enhanced customer

17 experience is as guidance for what's in the Act.

18 MR. FITZHENRY: Your Honor, I want to ask you

19 to instruct the witness to answer the question. I

20 think it is very clear what I am asking, and he is

21 avoiding answering it.

22 MS. MUNSCH: Your Honor, he already gave his

1 explanation, that he is not a lawyer and he is  
2 offering his opinion. He answered no, I think,  
3 actually to Mr. Fitzhenry asking him are you  
4 attempting to counter what the General Assembly said,  
5 so.

6 MR. FITZHENRY: Well, I ask counsel, does she  
7 understand her witness' testimony to mean that  
8 Mr. Thomas was not intending to offer an opinion as  
9 to what he believed the General Assembly meant by  
10 enhanced customer experience, yes or no.

11 MS. MUNSCH: Well, now I am confused what you  
12 are asking me. I believe Mr. Thomas clarified that  
13 he was not intending to offer an opinion as to what  
14 the General Assembly meant in the statute.

15 MR. FITZHENRY: No, he did not. He said three  
16 times that he was offering his opinion, and I am  
17 asking whether his opinion is intending to offer an  
18 interpretation of what the General Assembly meant. I  
19 understand it is his opinion. I am asking whether or  
20 not he intended to interpret the General Assembly's  
21 opinion.

22 JUDGE ALBERS: Let me ask it this way. Are you



1     trying to find out if Mr. Thomas thinks his opinion  
2     is the same as the General Assembly's opinion?

3             MR. FITZHENRY:   Yes.

4             JUDGE ALBERS:   I don't think I have heard an  
5     answer to that question.

6             THE WITNESS:   A.   No.

7             BY MR. FITZHENRY:

8             Q.    Thank you.   And you only answered because  
9     he asked it, I guess, right?

10            A.    I actually said no before.

11            JUDGE ALBERS:   Moving on.

12            MS. MUNSCH:   Moving on, yeah.

13            BY MR. FITZHENRY:

14            Q.    Let's turn to the next page, please.   And  
15     referring to your testimony at lines 72 through 74,  
16     there you reference broader objectives.   Do you see  
17     that?

18            A.    Yes.

19            Q.    First, where else in your testimony do you  
20     point to these broader objectives, if you do at all?

21            A.    I think my testimony interprets the broader  
22     objectives, Mr. Fitzhenry, you know, in discussing

1 things like demand response and voltage optimization  
2 rates, wholesale access, access to the wholesale  
3 market, home area networks. I think that was my  
4 interpretation. The rest of my testimony is my  
5 interpretation of broader objectives that I think the  
6 Company should have in mind as it is making  
7 investments.

8 Q. Are these broader objectives different or  
9 the same, or however you want to answer it, than the  
10 objectives that are provided for in Section 16-108.5?

11 A. They are different than the specific  
12 metrics identified in the Act.

13 Q. Okay. So if I were to look at the Public  
14 Utilities Act in Section 16-108.5, I wouldn't see the  
15 objectives that you are discussing, correct?

16 A. That's correct.

17 Q. Good. Now, looking to your Q and A that  
18 starts at line 80-81, you again talk about pursuing  
19 additional performance metrics, correct?

20 A. Yes.

21 Q. And that a workshop be instituted to  
22 develop additional metrics, correct?

1           A.    Yes.

2           Q.    And these additional metrics would  
3   hopefully be consistent with the broader objectives  
4   that you outline later in your testimony, correct?

5           A.    Yes.

6           Q.    So I take it then you do not take issue  
7   with the Company's interpretation of the metrics that  
8   are shown on page 6 of your testimony, correct?

9           A.    That's correct.

10          Q.    Nor have you taken issue with the baselines  
11   that have been identified in the Company's filing as  
12   it relates to these metrics, correct?

13          A.    That is correct.

14          Q.    Let me go back to page 4, please.  Again  
15   referring to lines 50 to 53 and your understanding of  
16   the Act which we have gone through and won't go  
17   through that again, I am interested in your  
18   understanding of the reference to infrastructure  
19   investments.  And by that do you mean the  
20   infrastructure investments that have been identified  
21   by the Company in its Infrastructure Improvement Plan  
22   that was filed on March 2 and the Advanced Metering

1     Infrastructure Implementation Plan that was filed on  
2     March 30?

3             A.    Yes.  I believe those two plans were  
4     dictated -- they are in the act, yes.

5             Q.    They are in the Act.  So I guess another  
6     way to ask the question, a better question, is you  
7     are not looking to compel the Company to invest in  
8     infrastructure investments beyond those that are  
9     outlined in those two plans?

10            A.    That's correct.  We are just asking the  
11    Company to track those investments, the performance  
12    of those investments, in a different way.

13            Q.    Assuming the Commission would support the  
14    CUB initiative to require and have workshops as you  
15    talk about in your testimony, did you have in mind a  
16    period of time over which these workshops would take  
17    place?

18            A.    You know, I didn't specifically,  
19    Mr. Fitzhenry.  I think it would have to be  
20    relatively quickly.  But given that there are so many  
21    sort of pitfalls in the area, it might take a little  
22    bit of time.  So we weren't thinking about a specific

1     time frame because I think there are those two sort  
2     of competing objectives that the Commission has to  
3     balance with its own personal calendar -- or not  
4     personal, the Commission's calendar.

5             Q.     So let's say that we have the workshops and  
6     the usual stakeholders would be involved.  Then what  
7     would happen?

8             A.     I think there would be a report at the end  
9     of that, and we laid that out.  Lines 293 through the  
10    end of my testimony, I think, identifies the process  
11    that we had in mind.

12            Q.     And who would prepare and file the report?

13            A.     The Company would prepare the report,  
14    detailing the methodology, the results from measuring  
15    past performance and measuring new activities.  There  
16    would be a workshop to review the report, and then  
17    the report would be filed with the Commission,  
18    presumably with Ameren incorporating several of the  
19    changes so we didn't have a contentious hearing.

20            Q.     Right.  But what would happen if the report  
21    only reflected what Ameren Illinois thought would be  
22    appropriate for consideration of additional metrics

1 and was at issue with some of the other stakeholder  
2 positions; then what would the Commission do?

3 A. I think that that report would come into  
4 the -- and this is obviously just my thinking. But I  
5 think that report would then come before the annual  
6 proceedings that are envisioned by the Act.

7 Q. Annual proceedings, you mean the form of  
8 the rate filings?

9 A. Now I am confusing myself, Mr. Fitzhenry.  
10 I think that there is --

11 Q. That's my job.

12 A. Yeah, exactly. There is a true-up  
13 mechanism. I think it is all part of the same  
14 annual -- a single annual process to review the  
15 annual filings of the company and then track them.

16 Q. I won't beat around the bush. What I am  
17 asking you to consider, what happens when we are one  
18 or two years into the plan, let's say. There are  
19 workshops, there is reports, but the Company has  
20 already begun its investments. Do you see that as a  
21 conflict in terms of the Company having already  
22 proceeded down a certain path that hasn't been

1 approved by the Commission; what happens then?

2 A. I don't know that there is necessarily a  
3 conflict. If the Company is evaluating these metrics  
4 from the beginning as we have laid out, which I think  
5 they inherently will be, we are just asking for a  
6 different way of reporting these metrics to the  
7 Commission.

8 Q. You are familiar with the ComEd Order  
9 11-0772?

10 A. Yes.

11 Q. Okay. In that Order there was no defined  
12 timetable by which these workshops would take place,  
13 correct?

14 A. That is correct.

15 Q. And there is no discussion about what would  
16 happen if a report that is generated in those  
17 workshops reflected only one party's views about  
18 additional metrics, correct?

19 A. That is correct. I think the Commission  
20 would strongly encourage everyone to work together.

21 Q. Right. But even in the best efforts by the  
22 parties to work together, it doesn't necessarily mean

1     that they are all going to come to the same  
2     agreement?

3             A.    That's correct, and it is unlikely.

4             Q.    Let me ask you to turn to page 7, please,  
5     and just reference for your benefit lines 132 to 133.  
6     And there you reiterate that the Commission should  
7     track over time these additional metrics, right?

8             A.    Yes.

9             Q.    Now, in a previous answer you said the  
10    Company should begin that from the get-go, correct?

11            A.    Yes.

12            Q.    So now are you saying that both the Company  
13    and the Commission should be tracking these  
14    additional methods?

15            A.    I think that the Commission should require  
16    Ameren to track them.

17            Q.    Okay.  Now --

18            A.    Because I don't envision the Commission  
19    hiring new staff just to track these measures.  I  
20    think it is a Company reporting function.  That could  
21    have been clearer for sure.

22            Q.    So, to be clear, lines 132 to 133 you mean



1     for the Company to track these additional metrics,  
2     whatever they might be?

3             A.    Yes.

4             Q.    Now, lines 136 to 150 you talk about  
5     potential benefits?

6             A.    Yes.

7             Q.    Now, the easy question to you is, would you  
8     agree with me that some of these potential benefits  
9     are being addressed in some form or fashion in the  
10    Company's Infrastructure Investment Plan and its  
11    Advanced Metering Implementation Plan, correct?

12            A.    Yeah, that's correct.  I haven't done an  
13    exhaustive inventory, but I think generally I would  
14    agree with your statement.

15            Q.    I mean, for example, Smart Metering, one of  
16    the benefits we expect to realize are reduced  
17    metering costs?

18            A.    Yes.  And as I said, I think we are just  
19    asking the Company to track these in a different way  
20    so it is more explicit and it is clearer to the  
21    Commission and all the stakeholders.  Because I do  
22    hope the Company is focussed on these goals.  That's

1     what the General Assembly intended.

2             JUDGE ALBERS:   Okay.   There is no question

3     pending.

4             BY MR. FITZHENRY:   Does he help you?

5             Q.    Okay.   Let's turn to page 8, lines 163

6     through 165.   Again, this is like the previous

7     question I asked where you see one of the benefits as

8     empowering customers to control their energy usage.

9     And wouldn't you expect that one of the benefits of

10    Smart Grid would be to, in part, empower customers to

11    control their energy usage?

12            A.    It could be.

13            Q.    Why wouldn't it be?

14            A.    If the data is not presented in a format

15    that the customers actually see it as valuable to

16    their decision-making process in their daily lives,

17    it wouldn't have an effect.   So it is a gray line.

18            Q.    Well -- okay, I will move on.

19                    I noticed that in your testimony, too,

20    you refer to this NIST Interoperability Standards?

21            A.    Yes, the National Institute of Standards

22    and Technology.

1           Q.    Right.  Now, I am going to approach the  
2   witness again and first show him what I will state  
3   for identification is the Company's AMI plan, and  
4   just look at page 25 and 26.  I have extra copies  
5   here.

6           A.    Yes.

7           Q.    Not too many.

8           MS. MUNSCH:  Can you give me the page number  
9   again?

10          Q.    25.  And I don't intend to introduce this  
11   as an exhibit, but, you know, we talked before about  
12   how it could be that some of the metrics, the  
13   benefits, the issues that you see coming out of the  
14   metrics plan might be addressed in one or more of the  
15   Company's other filings, the Infrastructure  
16   Improvement Plan or the AMI plan.  And just allowing  
17   you to glance over a couple pages of the AMI plan,  
18   you see there that the Company has at least tried to  
19   embrace the NIST standards and has a position about  
20   how best to interface the data that you just  
21   mentioned in your prior answer?

22          A.    Yes.

1           MR. FITZHENRY:   Okay, good.   Thank you.   That's  
2   all we have.   Thank you, Mr. Thomas.

3           THE WITNESS:   Thank you.

4           JUDGE ALBERS:   Anyone else have any questions  
5   for Mr. Thomas?

6                           (No response.)

7                           Do you have any redirect?

8           MS. MUNSCH:   One quick moment, if you could,  
9   please?

10          JUDGE ALBERS:   Sure.

11                          (Whereupon the hearing was in a  
12                          short recess.)

13          MS. MUNSCH:   Your Honors, we do not have any  
14   redirect.   So at this time we would like to move for  
15   the admission of CUB Exhibits 1.0.

16          JUDGE ALBERS:   And 1.1?

17          MS. MUNSCH:   Thank you, yes.   My co-counsel  
18   reminded me 1.1 as well, which I believe is the  
19   docket summary of qualification of Mr. Thomas filed  
20   on e-Docket the same time, March 19.

21          JUDGE ALBERS:   Any objections?

22          MR. FITZHENRY:   No objections.

1 JUDGE ALBERS: Hearing none, then CUB Exhibits  
2 1.0 and 1.1 are admitted.  
3 (Whereupon CUB Exhibits 1.0 and  
4 1.1 were admitted into  
5 evidence.)  
6 JUDGE ALBERS: Thank you, Mr. Thomas.  
7 (Witness excused.)  
8 Okay. I think that takes care of all  
9 our witnesses. So I think the only outstanding  
10 exhibit is the Ameren Exhibit 3.1 which is  
11 Mr. Keating's affidavit. I don't think we  
12 constructed any other ones.  
13 After today, we have got initial  
14 briefs due on April 17. There are no reply briefs in  
15 the schedule.  
16 Is there any reason anybody can think  
17 of to keep the record open?  
18 MR. FITZHENRY: No, but for the affidavit.  
19 JUDGE ALBERS: Right. I think we have  
20 identified that and admitted it.  
21 So all right. Is there anything else?  
22 MR. FITZHENRY: You want the briefs in Word?

1 JUDGE ALBERS: Please.

2 Anything else for today then?

3 MR. FITZHENRY: Thank you.

4 MS. MUNSCH: Thank you.

5 JUDGE ALBERS: Thank you, all. And with that I  
6 mark the record heard and taken.

7 HEARD AND TAKEN

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